

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendant United States of America
By: Anna E. Arreola
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2218

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROBERT ASSIL, :
: NOTICE OF MOTION
Plaintiff, :
:
-v.- : 07 Civ. 11037 (DAB)
:
UNITED STATES OF AMERICA, :
:
Defendant. :
-----x

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the accompanying Declaration of Anna E. Arreola and the exhibits annexed thereto, and the accompanying Affirmation of Special Agent Linda E. Canfield and the exhibits annexed thereto, defendant United States of America, by its attorney Michael J. Garcia, United States Attorney for the Southern District of New York, shall move this Court, before the Honorable Deborah A. Batts, United States District Judge, in the United States Courthouse, Courtroom 24B, 500 Pearl Street, New York, New York 10007, on a date to be set by the Court, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss plaintiff's motion for return of property and for dismissal of this civil action.

Dated: New York, New York
February 4, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the Defendant
United States of America

By: _____ /s/
ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrews Plaza
New York, New York 10007
(212) 637-2218

cc: Jeffrey Lichtman
Law Offices of Jeffrey Lichtman
1790 Broadway, Suite 1501
New York, New York 10019
(212) 581-1001

Marc Fernich
Law Office of Marc Fernich
570 Lexington Avenue, 16th Floor
New York, New York 10022
(212) 446-2346